

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) TRACY KIRK and (2) TIM KIRK,)	
Individually and as Husband and Wife,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 16-cv-375-TCK-TLW
)	
(3) SAFECO INSURANCE COMPANY,)	
a Foreign Corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Safeco Insurance Company ("Defendant") hereby removes the above-captioned action from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this removal, Defendant states as follows:

1. On May 26, 2016, Plaintiffs Tracy Kirk and Tim Kirk ("Plaintiffs") commenced an action in the District Court of Tulsa County, Oklahoma, entitled *Tracy Kirk and Tim Kirk v. Safeco Insurance Company*, as Case No. CJ-2016-1995 (the "State Court Action"). A true copy of the state court docket sheet is attached as Exhibit 1. All process, pleadings, and orders filed or served in the State Court Action are attached hereto as Exhibits 2 and 3.

2. According to the Petition, Plaintiffs are residents of Tulsa County, Oklahoma. Defendant Safeco Insurance Company is a company organized under the

laws of the State of New Hampshire with its principal place of business in Boston, Massachusetts.

3. In accordance with 28 U.S.C. § 1446(b)(1), this action has been removed within thirty (30) days of the filing of Plaintiffs' Petition on May 26, 2016.

4. The Northern District of Oklahoma includes the state judicial district in which Plaintiffs filed their Petition.

5. This is a civil action over which this Court has original jurisdiction based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C. § 1332, and which may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

6. Plaintiffs' Petition asserts a cause of action for breach of an insurance contract and breach of the duty of good faith and fair dealing in the handling of a claim on an insurance policy. The amount in controversy for each cause of action exceeds \$75,000, exclusive of interest and costs. (*See* Petition, at ¶ 11).

7. Contemporaneous with Defendant's filing of this Notice, Defendant will serve written notice via the CM/ECF system to Plaintiffs' counsel of the filing, as required by 28 U.S.C. § 1446(d).

8. Defendant Safeco Insurance Company shall likewise file a true and correct copy of its Notice of Removal with the Clerk of the District Court in and for Tulsa County, State of Oklahoma, as required by 28 U.S.C. § 1446(d).

CONCLUSION

Defendant Safeco Insurance Company respectfully requests that the State Court Action be removed from the District Court for Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma, and proceed as an action properly removed thereto.

Respectfully submitted,

s/William W. O'Connor

William W. O'Connor, OBA No. 13200

Kevin P. Simpson, OBA No. 32120

NEWTON O'CONNOR TURNER & KETCHUM, P.C.

15 West Sixth Street, Suite 2700

Tulsa, OK 74119-5423

(918) 587-0101 telephone

(918) 587-0102 facsimile

**ATTORNEYS FOR DEFENDANT,
SAFECO INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Joseph F. Bufogle, Sr.

ATTORNEY FOR PLAINTIFFS

s/William W. O'Connor
William W. O'Connor